

STATE OF NEW YORK

6665--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 26, 2023

Introduced by M. of A. SIMON, EPSTEIN, GONZALEZ-ROJAS, BURGOS, CUNNINGHAM, WALKER, ALVAREZ, ZACCARO, DAVILA, REYES, THIELE, ARDILA, SHIMSKY, SIMONE, DARLING, BURDICK -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to lock-down drills

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 807 of the education law, as
2 amended by section 2 of part B of chapter 54 of the laws of 2016, is
3 amended to read as follows:
4 1. It shall be the duty of the principal or other person in charge of
5 every public or private school or educational institution within the
6 state, other than colleges or universities, to instruct and train the
7 pupils by means of drills, so that they may in a sudden emergency be
8 able to respond appropriately in the shortest possible time and without
9 confusion or panic. Such drills shall be held at least [~~twelve~~] ten
10 times in each school year, [~~eight~~] six of which required drills shall be
11 held between September first and December thirty-first of each such
12 year. Eight of all such drills shall be evacuation drills, four of which
13 shall be through use of the fire escapes on buildings where fire escapes
14 are provided or through the use of identified secondary means of egress.
15 [~~Four of all such~~] Two required drills shall be lock-down drills.
16 Drills shall be conducted at different times of the school day. Pupils
17 shall be instructed in the procedure to be followed in the event that a
18 fire occurs during the lunch period or assembly, provided however, that
19 such additional instruction may be waived where a drill is held during
20 the regular school lunch period or assembly. Four additional drills
21 shall be held in each school year during the hours after sunset and
22 before sunrise in school buildings in which students are provided with

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 sleeping accommodations. At least two additional drills shall be held
2 during summer school in buildings where summer school is conducted, and
3 one of such drills shall be held during the first week of summer school.

4 § 2. Section 807 of the education law is amended by adding a new
5 subdivision 2-a to read as follows:

6 2-a. (a) In implementing the lock-down drills described in subdivision
7 one of this section, it shall be the duty of the board of education or
8 school board or other body having control of the schools in any district
9 or city to adopt a building-level emergency response plan consistent
10 with the provisions of section twenty-eight hundred one-a of this chap-
11 ter which includes a trauma-informed, developmentally, and age-appropri-
12 ate approach to the design and execution of such drills, which shall
13 stipulate that:

14 (i) notice to parents and guardians of students of when the lock-down
15 drill will be held, at least seven days in advance of such drill;

16 (ii) drills shall not include props, actors, simulations, or other
17 tactics intended to mimic an incident of violence or other emergency;

18 (iii) an announcement at the time that such drill is conducted that
19 the activities being conducted are a drill; and

20 (iv) schools shall incorporate strategies and techniques to accommo-
21 date students, on an individualized basis and in a manner deemed appro-
22 priate by the school, who may need extra support during such drills, as
23 such needs may have been reported to the school by a parent and/or guar-
24 dian or otherwise flagged by school personnel. Nothing in this subdivi-
25 sion shall infringe on any federal or state laws which protect students.

26 (b) All boards of education or school boards or other bodies having
27 control of the schools in any district or city shall incorporate as part
28 of the annual school safety staff prescribed in paragraph h of subdivi-
29 sion two of section twenty-eight hundred one-a of this chapter guidance
30 on:

31 (i) how to conduct such drills in a variety of classrooms, including
32 those with physical limitations such as windowed walls;

33 (ii) what information should be communicated to students before,
34 during, and after such drill; and

35 (iii) any other information that the board or body sees fit to
36 include. All teachers, administrators, and school personnel subject to
37 a lock-down drill shall be notified of such drill in advance of such
38 drill occurring and shall be notified of such drill's expected length of
39 time.

40 § 3. This act shall take effect on the first of July next succeeding
41 the date upon which it shall have become a law. Effective immediately,
42 the addition, amendment and/or repeal of any rule or regulation neces-
43 sary for the implementation of this act on its effective date are
44 authorized to be made and completed on or before such effective date.